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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,886	02/07/2001	Masato Yoshida	O3020.0218/P0218	4209

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EXAMINER

NELSON, FREDA ANN

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,886

Applicant(s)

YOSHIDA ET AL. 

Examiner

Freda Nelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-13 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/14/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This is in response to the communication filed on February 07/2001. Claims 1-13 are currently pending.

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on February 8, 2000. It is noted, however, that applicant has not filed a certified copy of the 35629/2000 application as required by 35 U.S.C. 119(b).

Drawings

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show terminal **17**, shop **10a**, and print control terminal **20** as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be

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removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because it contains the legal phraseology "said".

Correction is required. See MPEP § 608.01(b).

Specification

5. The disclosure is objected to because of the following informalities:

Page 1, line 15, "received" should be "received";

Page 1, line 17, "other" should be "another" and "in stead" should be "instead"; and

Page 1, line 19, "is" should be "was";

Appropriate correction is required.

Claim Objections

6. Claim 3 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim 3 has not been further treated on the merits.

7. Claim 8 is objected to because of the following informalities:

Line 9, "had" should be "has"; and

Line 15, "menas" should be "means".

8. Claim 9 is objected to because of the following informalities:

Line 8, "had" should be "has"; and

Line 16, "menas" should be "means".

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Applicant is advised that should claim 4 be found allowable, claim 8 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

10. Claims 1-2 are rejected under 35 U.S.C. 102(a) as being anticipated by Petters et al. (U.S. PG Pub. 3001/0018672).

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11. In claims 1-2, Petters et al. discloses a method and apparatus for the sale of goods over the Internet wherein a sales or "scrubbing" agent receives a request to offer goods for sale on the Internet web site; receives offers over the Internet to purchase the goods; and arranges for or invoices the buyer of goods and arranges for or remit payment to the seller of goods (paragraph 0004).

Petters et al. discloses that once the sellers information is received, the system 28 performs several tasks 44b including calculating the projected net selling price to be received by the seller upon completion of the sale, based on the user's profile and other data as desired, and reiterates 44c the edit/calculate process until a desired result is obtained (paragraph 0060). Petters et al. discloses that the review account area allows company specific information to be modified, updated and/or changed as required by using the master ID (paragraph 0071).

Petters et al. further discloses that following acceptance of an offer to sell goods by a qualified buyer, and confirmation of receipt of acceptance by the buyer, the qualified seller sells the goods to the scrubbing agent within fifteen (15) business days whereby the scrubbing agent pays the purchase price (or agreed percentage thereof) for the goods (paragraph 0102). Petters et al. still further discloses that scrubbing agent marks up the seller's selling price for each transaction on the website 30 and in the case where sellers use the website 30, buyer pays the seller's selling price plus the agent markup which is a percentage of the value of the total inventory being offered (paragraph 0103).

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12. In claim 7, Petters et al. discloses that the scrubbing agent provides buyers and sellers an Internet marketplace wherein sales transactions may be accomplished by either buyers or sellers (paragraph 0013). Petters et al. discloses that once the sellers information is received, the system 28 performs several tasks 44b including calculating the projected net selling price to be received by the seller upon completion of the sale, based on the user's profile and other data as desired, and reiterates 44c the edit/calculate process until a desired result is obtained (paragraph 0060). Petters et al. further discloses that the review account area allows company specific information to be modified, updated and/or changed as required by using the master ID (paragraph 0071).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 4-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petters et al. in view of Huberman (Patent Number 5,826,244).

14. In claims 4 and 8, Petters et al. discloses the transaction mediation system being used for products or goods sold, however fails to disclose it being

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used for printing services, such as in a printing mediation system wherein, the orderer has an image for processing; the mediator has an image for printing producing means; and the supplier has a printing means. Huberman discloses a method which uses a transaction system, in which a plurality of processes are executed, including a customer process representing a customer, a supplier process representing a supplier, and a broker process capable of serving as an intermediary between the customer and supplier process (col. 2, lines 65 through col. 3, line 2). Huberman discloses a method in which a plurality of processes are executed, including a customer process representing a customer, a supplier process representing a supplier, and a broker process capable of serving as an intermediary between the customer and supplier process (col. 2, lines 65 through col. 3, line 2). Huberman discloses that the broker process is provided with a description of a document service (col. 3, lines 2-3). Huberman discloses that document services can include, for example, printing, scanning, interpretation, text and image recognition, editing, reproduction, binding, colorization, transmission, mailing, storage, retrieval, format conversion, authentication, searching and many others (col. 3, lines 45-51), which the examiner considers to be a printing mediation system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the transaction system of Petters et al. to include the mediation system of Huberman to enable and facilitate an electronically networked, highly automated, system in the document services industry (see Huberman col. 2, lines 59).

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15. Claims 5-6 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petters et al. in view of Huberman in further view of Sevcik et al. (Patent Number 6,33,542).

16. In claims 5-6 and 10-13, Huberman discloses that the customer process can electronically transmit the contents of a document to the supplier process , which can then cause the document service to be automatically performed for the transmitted document (col. 3, lines 14-18). Huberman further discloses that the purchasing officer places the printing and mailing requests with the broker, providing particulars such as the number of copies to be printed and other particulars that will be needed for suppliers to estimate their costs for completing the job (col. 4, lines 57-65). Petters et al. does not disclose that the mediator has a design information database, however Sevcik et al. discloses that the system has a complex database of information for each of these custom product categories which allow it to search for the criteria entered by the printing buyer (col. 3, lines 53-55). Sevcik et al. further discloses that once published to the database, the data is instantly available to any print buyer accessing the application, from their personalized home page (col.14, lines 55-57). It would have obvious to one of ordinary skill in the art at the time the invention was made to modify the transaction system of Petters et al. to include database feature of Sevcik to enable the mediator to be able to store images and processing particulars of print requests from orderers.

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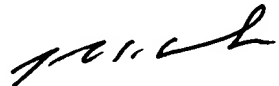
Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda Nelson whose telephone number is (703) 305-0261. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Freda Nelson
Examiner
Art Unit 3629


JOHN G. WEISS
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